



रजिस्टर्ड न० पी०/एस० एम० 14.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

चिमला, बुधवार, 10 मई, 1978/20 बैशाख, 1900

हिमाचल प्रदेश सरकार

LAW DEPARTMENT

NOTIFICATION

Simla-3, the 9th May, 1978

No. LLR-D(6)16/78.—The Himachal Pradesh Urban Rent Control (Amendment) Bill, 1978 (Bill No. 16 of 1978) after having received the assent of the Governor of Himachal

Pradesh on the 4th May, 1978 is hereby published in Rajpatra, Himachal Pradesh as Act No. 23 of 1978 for the information of general public.

JAI CHAND'MALHOTRA,
Secretary

Act No. 23 of 1978.

**THE HIMACHAL PRADESH URBAN RENT CONTROL
(AMENDMENT) ACT, 1978**

AN

ACT

*further to amend the Himachal Pradesh Urban Rent Control Act, 1971
(Act No. 23 of 1971).*

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Urban Rent Control (Amendment) Act, 1978.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. For existing clause (d) of section 2 of the Himachal Pradesh Urban Rent Control Act, 1971 (hereinafter called the principal Act), the following clause (d) shall be substituted, namely:—

Amendment
of section 2.

“(d) “non-residential building” means a building being used,—

(i) mainly for the purpose of business or trade; or

(ii) partly for the purpose of business or trade and partly for the purpose of residence, subject to the condition that the person who carries on business or trade in the building resides there:

Provided that if a building is let out for residential and non-residential purpose separately to more than one person, the portion thereof let out for the purpose of residence shall not be treated as a non-residential building.

Explanation.—Where a building is used mainly for the purpose of business or trade, it shall be deemed to be a non-residential building even though a small portion thereof is used for the purpose of residence.”

3. After section 28 of the principal Act, the following section 29, along with its heading, shall be added, namely:—

Addition of
section 29.

“29. *Special provisions relating to certain proceedings.*—Notwithstanding anything to the contrary contained in this Act, the provisions of clause (d) of section 2, as amended by the Himachal Pradesh Urban Rent Control (Amendment) Act, 1978, shall apply to all proceedings, under the East Punjab Urban Rent Restriction Act, 1949 or under this Act, pending, at the commencement of the said amendment, before a rent controller, an appellate authority or the High Court exercising revisional jurisdiction”.

Simla-2, the 9th May, 1978

No. LLR-D(6)31/77.—The Himachal Pradesh Co-operative Societies (Amendment) Bill, 1978 (Bill No. 12 of 1978) after having received the assent of the Governor of Himachal Pradesh on the 4th May, 1978 is hereby published in the Rajpatra, Himachal Pradesh as Act, No. 42 of 1978 for the information of general public.

JAI CHAND MALHOTRA,
Secretary,

Act No. 24 of 1978.

THE HIMACHAL PRADESH CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1978

AN

ACT

further to amend the Himachal Pradesh Co-operative Societies Act, 1968 (Act No. 3 of 1969).

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Co-operative Societies (Amendment) Act, 1978.

(2) It shall come into force at once.

2. After section 86 of the Himachal Pradesh Co-operative Societies Act, 1968, the following new sections 86-A and 86-B, along with their headings, shall be inserted, namely:—

"86-A. Powers of a financing bank to proceed against defaulting members of a co-operative society.—(1) If a co-operative society is unable to pay its debts to a financing bank according to the terms of agreement to this effect by reason of its members committing default in the payment of moneys due by them, the financing bank may direct the committee of such society to proceed against such members by taking action under sections 72, 73, 74, 75, 76, 86, 87, 89, 90 and 90-A of the Act.

(2) If the committee of the co-operative society fails to proceed against its defaulting members within a period of ninety days from the date of receipt of such direction from the financing bank, the financing bank itself may proceed against such defaulting members in which event, the provisions of sections 72, 73, 74, 75, 76, 86, 87, 89, 90 and 90-A of the Act, the rules and bye-laws made thereunder, shall apply as if all references to the society or its committee in the said provisions of this Act, rules and the bye-laws were references to the financing bank.

(3) After recovery of dues from the defaulter members of such society, the respective loan accounts of such members in the society and those of the society in the bank shall be credited proportionately by the society and the financing bank respectively.

86-B. Powers of financing bank to proceed against the members of a co-operative society.—Where a financing bank has obtained a decree or award against a co-operative society in respect of money due to it from the society, the financing bank may proceed to recover such money, firstly from the available assets of the society and thereafter from the members of the society to the extent of their debts due to the society:

Provided that the financing bank while proceeding against the indebted members of such society under this section shall first proceed against the defaulting members of the society and their sureties to recover such amount as may remain unsatisfied from the available assets of the society.”.

Short title
and
commencement.

Insertion
of new
Sections
86-A and
86-B.

उपनियंत्रक, मुद्रण तथा लेखन-सामग्री, हिमाचल प्रदेश, शिमला-३ द्वारा यूरित स्था प्रकाशित ।